

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JENS ERIK WESTHOFF,)	
)	Case No. 8:16-cv-000456
Plaintiff,)	
)	
vs.)	
)	
CITY OF OMAHA,)	
)	COMPLAINT
Intervenor-Plaintiff,)	IN INTERVENTION
)	
vs.)	
)	
DB INDUSTRIES, L.L.C.,)	
)	
Defendant.)	

COMES NOW the City of Omaha, and for its Complaint in Intervention, alleges and states as follows:

1. The Plaintiff Jens Erik Westhoff is a resident of Omaha, Douglas County, Nebraska.
2. On information and belief, the Defendant DB Industries, L.L.C., is a limited liability company registered under the laws of the state of Minnesota, with its principal place of business in Red Wing, Minnesota. DB Industries, L.L.C., is currently a wholly owned subsidiary of 3M Company, a Delaware corporation with its principal place of business in Saint Paul, Minnesota.
3. The Intervenor-Plaintiff City of Omaha is a municipal corporation organized under the laws of the state of Nebraska, and located in Douglas County, Nebraska.
4. There is complete diversity of citizenship, and venue and jurisdiction of this Court are proper.
5. The Plaintiff claims to have suffered injuries from an accident arising out of and in the course and scope of his employment with the City of Omaha occurring on or

about August 29, 2012. The accident happened in Omaha, Douglas County, Nebraska.

6. The Plaintiff made a claim for workers' compensation benefits against his employer City of Omaha, and benefits were paid and continue to be paid according to the Nebraska Workers' Compensation Act, Neb. Rev. Stat. § 48-101, et seq.
7. Said accident and work-related injuries form the basis for the causes of action alleged by the Plaintiff in this matter.
8. That, as of October 6, 2017, the Plaintiff has received workers' compensation benefits from the City of Omaha totaling \$137,350.02.
9. That Neb. Rev. Stat. § 48-118, et seq., allows the employer of an injured employee to be subrogated to the right of the employee's recovery against a third party.
10. The City of Omaha, pursuant to Neb. Rev. Stat. § 48-118, et seq., hereby claims a lien on the claim by the Plaintiff against any third parties, including the Defendant, and any recovery or judgment therefrom.

WHEREFORE, the Intervenor-Plaintiff City of Omaha prays for a judgment against the Defendant and for the Plaintiff for general and special damages for the causes of action previously pled in this matter, and for the Intervenor-Plaintiff City of Omaha to recover from said proceeds pursuant to Neb. Rev. Stat. Neb. Rev. Stat. § 48-118, et seq., for benefits previously paid to the Plaintiff.

DATED this 12th day of October, 2017.

CITY OF OMAHA

BY: /s/Jeffrey A. Bloom
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 12, 2017, the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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